IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 3395 of 2007(D)

PETITIONER:

SHAINY. A., POURANAMI,
NEAR CHURCH, PALLIPURAM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.HARIKUMAR
SRI.ARAVINDA KUMAR BABU T.K.
SMT.MANU MATHEW

RESPONDENTS:
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1. STATE OF KERALA, REP. BY SECRETARY
TO GOVT., PUBLIC HEALTH DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. KERALA PUBLIC SERVICE COMMISSION,
REP. BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

R1 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN
R2 BY SC SHRI. P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 3395 OF 2007 D
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Dated this the 31st January, 2007

J U D G M E N T

The petitioner is a candidate who finds a place in the final list published by the 2nd respondent-Commission on 6-2-2004. The rank list is for appointment to the post of Drug Inspector in the Public Health Department. The grievance of the petitioner are two fold. (1) Vacancies liable to be reported to the Commission before the expiry of the list has not been done. (2) Inordinate delay has occurred in making promotions to the higher post and the same has frustrated the claims of candidates included in the rank list. The above submissions are made as the basis for the request made by the petitioner to extend the life time of the rank list.

2. As far as the first point is concerned, there cannot be any dispute that existing vacancies, if any, shall be reported to the 2nd respondent so that eligible candidates can be advised for appointment. Hence, there shall be an order directing the 1st respondent to see that all existing vacancies reportable to the Commission for direct recruitment are intimated in

accordance with law as expeditiously as possible, in any event, so as to reach that report in the office of the 2nd respondent-Commission before the expiry of the list.

3. Regarding the 2nd aspect, it has to be held that the facts and circumstances stated in the writ petition are not sufficient to direct the respondents to extend the life time of the rank list, which in terms of Rule 13 of the Kerala Public Service Commission Rules of Procedure shall expire on 5th February, 2007. The 2nd respondent-Commission is empowered to extend the period of validity of the list only in exceptional cases and on being convinced that special and extraordinary circumstances exist. Such extraordinary circumstances do not seem to be there, as far as the operation of the present list is concerned, and hence, the prayer to extend the currency of the list is declined.

With the above observations and directions the writ petition is disposed of.

K.K. DENESAN
JUDGE

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